

FILED**UNITED STATES DISTRICT COURT**

JAN 22 2016

for the

Northern District of California

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America

v.

LEONARD NATHANIEL HEATH

Case No.

3 16 7 0077**JSC***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 20, 2016 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2113(a)

Bank Robbery

Maximum Penalties: 20 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 special assessment.

This criminal complaint is based on these facts:

Please see attached affidavit of FBI Special Agent Adrienne G. Sparrow in support of Criminal Complaint.

(approved as to form BF AUSA Brian R. Faerstein)☒ Continued on the attached sheet.
*Complainant's signature*Adrienne G. Sparrow, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 1-22-16City and state: San Francisco, California
Judge's signature
Hon. Jacqueline S. Corley, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT OF ADRIENNE G. SPARROW

I, Adrienne G. Sparrow, being duly sworn, hereby depose and state:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been employed in that capacity for nineteen years. My primary responsibility is the investigation of violent crimes, including bank robberies. I have participated in the execution of criminal arrests and have received training in, among other things, criminal procedure, search and seizure, and the investigation of violent crimes, including bank robbery.

2. This affidavit is made in support of an application for a criminal complaint charging Leonard Nathaniel HEATH with a violation of Title 18, United States Code, Section 2113(a): Bank Robbery. In particular, as set forth in more detail below, there is probable cause to believe that on Wednesday, January 20, 2016, at approximately 12:36 p.m., HEATH entered a branch of Wells Fargo Bank ("Wells Fargo") located at 2300 Irving Street, San Francisco, California (hereinafter referred to as "Wells Fargo – Irving Street"), approached two bank tellers, and demanded and took money in the custody of Wells Fargo through force, violence and intimidation.

3. The purpose of this affidavit is to set forth facts establishing probable cause in support of a criminal complaint against HEATH. The information contained in this affidavit is based either on my own personal knowledge or on information provided to me by other law enforcement agents and officers. Not all facts known to me are contained in this affidavit. The affidavit is limited to the facts relevant and necessary to establish probable cause for the requested criminal complaint.

APPLICABLE STATUTE

4. Title 18 U.S.C. § 2113(a) provides in relevant part that:

Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association ... [s]hall be fined under this title or imprisoned not more than 20 years, or both.

FACTS SUPPORTING PROBABLE CAUSE

5. On Wednesday, January 20, 2016, at approximately 12:36 p.m., a black male (hereinafter referred to as the “robber”) entered Wells Fargo – Irving Street, and approached the teller line. When a bank employee approached the robber to greet him, the robber grabbed the banker and pushed a gun into his back, directing him toward the teller counter. The robber pointed the gun at one of the bank tellers behind the counter and stated words to the effect of, “Give me the fucking money.” The teller was afraid and complied with the robber’s demand, removing United States currency from her cash drawer and handing it over to the robber. The robber then stated words to the effect of, “This is not enough. Give me all the 50s and the 100s before I shoot you.” In response to the robber’s demand, the teller handed over to the robber additional United States currency in the custody of the bank. The robber again demanded more money, and the bank manager approached the robber and handed over to the robber a stack of bills consisting of additional United States currency. The robber once again stated that the money he had demanded and taken through force, violence and intimidation was still “not enough.”

6. After taking money from the first teller and the bank manager, the robber then approached one of the other bank tellers behind the counter and again demanded more money. During this confrontation, the robber stated to the second teller words to the effect of, "Give me all the fucking money. All the 50s and 100s." The teller complied with the robber's demand and removed United States currency from her cash drawer, which the robber took from her. The robber subsequently fled the bank with approximately \$18,340 in United States currency taken from the bank.

7. The robber was described by the victims inside the bank at the time of the robbery as a black male in his forties or fifties, approximately 5'9" tall, wearing a red baseball cap, dark sunglasses with reflective lenses, jeans and a dark grey fleece with a black t-shirt underneath, and carrying a small black semi-automatic firearm.

8. Later in the day on January 20, 2016, having obtained a photograph of the robber captured by surveillance cameras within Wells Fargo – Irving Street and as part of my investigation of the robbery, I showed the photograph to a staff member at 111 Taylor Street, a Bureau of Prisons (BOP) halfway house facility located in San Francisco, California. The staff member recognized and identified the robber as a current resident of the facility named Leonard Nathaniel HEATH, a black male with a date of birth of March 15, 1966. In fact, HEATH is in the custody of BOP as a result of a federal bank robbery conviction, and, at the direction of BOP, is currently serving the remainder of his term of imprisonment at the designated halfway house, 111 Taylor Street, San Francisco, California.

9. On January 21, 2016, along with FBI Special Agent Ruel Espinosa, I reviewed surveillance video from the entrance to the 111 Taylor Street halfway house facility. We identified footage showing HEATH leaving the facility at approximately 7:30 a.m on January 20,

2016. At approximately 2:10 pm on the same day, video footage shows HEATH returning to the facility wearing a different shirt (a black t-shirt) than the shirt he was wearing when he left the facility in the morning. We also reviewed sign-in/sign-out logs maintained by the facility, wherein residents are required to sign out upon leaving and sign in upon returning to the facility. The logs for January 20, 2016 showed that HEATH signed out of the facility at approximately 7:30 a.m. and signed back into the facility at approximately 2:10 p.m. He then immediately signed back out again at approximately 2:10 p.m. and signed back in at approximately 3:22 p.m.

10. As further part of my investigation, I reviewed HEATH's criminal history record, and determined, among other things, that HEATH has previously been convicted of federal bank robbery charges in 1993 and 2005.

11. On January 21, 2016, the Wells Fargo Corporate Security Division sent an alert flyer with a bank surveillance photograph of the robber from the January 20, 2016 robbery at Wells Fargo – Irving Street to Wells Fargo's local branches in the San Francisco Bay Area, including a Wells Fargo branch located at 1266 Market Street, San Francisco, California (hereinafter referred to as "Wells Fargo – Civic Center"). In response to this alert, the Corporate Security Division received a call from the branch manager at Wells Fargo – Civic Center. The branch manager advised the Corporate Security Division that multiple employees of Wells Fargo – Civic Center identified the robber depicted in the photograph in the alert flyer as HEATH, whom they recognized as a customer of Wells Fargo – Civic Center since November 2015. The Corporate Security Division notified the San Francisco Police Department (SFPD) about this identification, and the SFPD subsequently notified the FBI.

12. Later the same day, along with Special Agent Espinosa, I interviewed three bank employees at Wells Fargo – Civic Center who identified HEATH as the man depicted in the

robbery photograph from January 20, 2016. One employee advised that he has assisted HEATH multiple times when HEATH has come into Wells Fargo – Civic Center. The employee further explained that on a number of those occasions, HEATH was wearing the red-and-white baseball hat worn by the robber depicted in the surveillance photograph taken during the January 20, 2016 robbery. The employees that I interviewed also explained that HEATH has told employees of the bank that he does not have a job, has very little money, and recently had a family emergency he needed to take care of. The employees further indicated that HEATH came into Wells Fargo – Civic Center on January ^{as} 20, 2016, at approximately 2:45 p.m. and made a deposit of \$800 in cash. To that end, the Wells Fargo – Civic Center branch manager provided me with a screenshot from bank surveillance video depicting HEATH making a deposit at the Wells Fargo – Civic Center branch at approximately 2:45 pm on January 20, 2016.


13. I have reviewed photographs of HEATH, and his appearance in those photographs is consistent with the robber depicted in the surveillance photographs from Wells Fargo – Irving Street on January 20, 2016. A true and correct copy of a screenshot from surveillance video depicting the robber during the January 20, 2016 Wells Fargo – Irving Street robbery is attached hereto as Exhibit A. A true and correct copy of a screenshot from surveillance video depicting HEATH at Wells Fargo – Civic Center on January 20, 2016, at approximately 2:45 pm is attached hereto as Exhibit B. A true and correct copy of a recent California Department of Motor Vehicles (“DMV”) photograph of HEATH is attached hereto as Exhibit C.14.

14. The physical description of HEATH as provided by DMV records, his criminal history records and his resident record at 111 Taylor Street is also consistent with the description of the robber as described by the robbery victims at Wells Fargo – Irving Street on January 20, 2016.

15. Wells Fargo – Irving Street, a branch of Wells Fargo Bank, sustained a loss of approximately \$18,340 in United States currency as a result of the January 20, 2016 robbery. I know from prior investigation that Wells Fargo Bank is insured by the Federal Deposit Insurance Corporation (FDIC).

CONCLUSION

16. For the foregoing reasons, I respectfully submit that there is probable cause to believe that Leonard Nathaniel HEATH robbed the Wells Fargo Bank branch located at 2300 Irving Street, San Francisco, California, on Wednesday, January 20, 2016, in violation of 18 U.S.C. § 2113(a). Accordingly, I respectfully request that a warrant for the arrest of HEATH be issued.

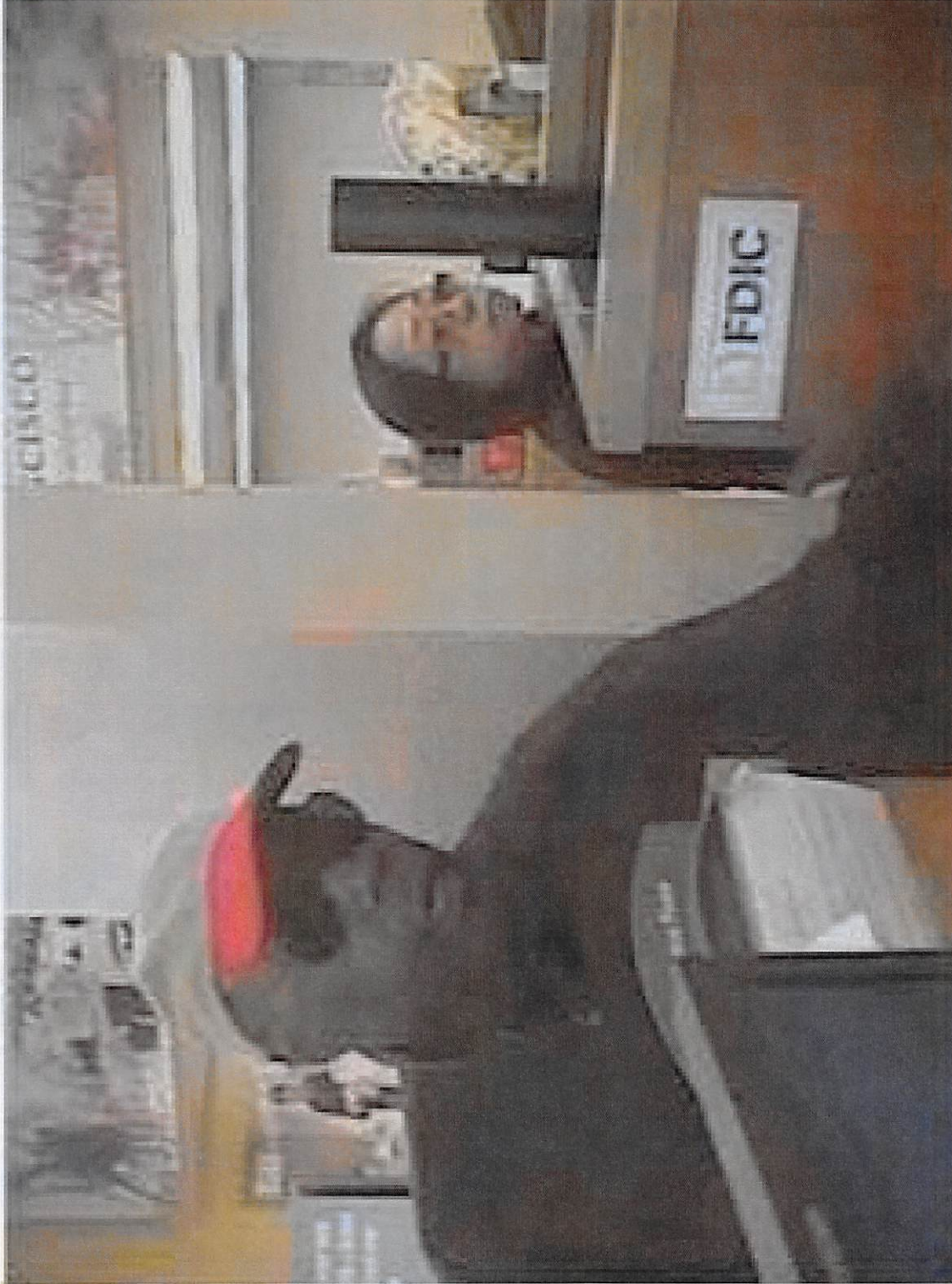

ADRIENNE G. SPARROW
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on January 22, 2016


HON. JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE

Exhibit A

Motion Event



Appliance: AU 00058-1 24th & Irving

Camera: 4. C04 Teller 4

Time: 01/20/2016 12:36:18 PM

Exhibit B



Exhibit C

HEATH LEONARD NATHANIEL JR

Y3395781	EXPIRES: 03/15/2020	CLASS: F	SEX: M
HAIR: BLK	EYES: BRN	HEIGHT: 609	WEIGHT: 188
DATE OF BIRTH: 03/15/1966			
ADDRESS: 111 TAYLOR ST, SAN FRANCISCO, CA 94102<			
PHOTO DATE: 12/10/2015	PHOTO OFFICE: 503	APPLICATION DATE: 12/10/2015	APPLICATION OFFICE: 503
ISSUE DATE: N/A	ISSUE OFFICE: N/A	RESTRICTIONS: 0	



SIGNATURE:

Leonard Heath

FINGERPRINT:



This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____

/s/ _____